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Is there any Justice for Indians?

J. Elliot Conduct



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Introductory Letter.

MY DEAR FRIEND :

At your request I have consented that the article "IS THERE ANY JUSTICE FOR INDIANS?" which appeared in the New York Observer, Nov. 13, 1873, should be reprinted in pamphlet form, that it may be distributed among those who it is hoped will do, what lies in their power, to render the Indian simple justice.

Soon the race of Red men will have passed away, and after they are all gone, we may find, when it is too late for our repentance to do them any good, that we as a nation have most shamefully wronged them. It is a very poor excuse, but one often given by white men, that the Indian is not worthy of our confidence and good will. *Let us first do our duty to them*, leaving the question of their worthiness to Him, whose love for his Red Children is the same as that for his white and black children. Our own inconsistency and injustice demoralizes them constantly, and neutralizes almost entirely our efforts for their elevation.

I have appended, as very appropriate, the Memorial of the Legislature of the Chickasaw Nation to President Grant in regard to the Chickasaw claim; also, some extracts from a letter of Gov. Cyrus Harris, principal chief of the Chickasaw Nation.

Trusting the "Friends of Indians" may be encouraged by the noble efforts of the "Board of Indian Commissioners," to be more earnest and more hopeful in the good work.

I remain, very respectfully,

Your obedient servant,

February 23d, 1874.

J. ELLIOT CONDICT.

N. B.—In anticipation of the natural question that might arise in the minds of some, I would state that I am not interested directly or indirectly in any Indian claim: I only desire that our Government should do justice to the Indians, by paying them the money that is properly due them.

IS THERE ANY JUSTICE FOR INDIANS ?

MORRISTOWN, N. J., SEPT. 20. 1873.

MESSRS. EDITORS : Nearly four hundred treaties have been made by the United States Government with the American Indians, and nearly every one of them has been broken in the most important provisions by the United States.

Such is the sad truth, and I blush for my own country, whenever I think of the terrible effect such perfidy and injustice has had on the minds and hearts of the Indians.

The Council of the Chickasaw tribe of Indians is now in session at Tishomingo, in the Indian Territory. The Choctaws meet at their annual council in October, the Cherokees in November, and all the leading tribes—Creeks, Seminoles, Osages and others—hold their yearly councils some time during the autumn months. These councils are conducted with such propriety and decorum that they are worthy to be named as models for not only our State Legislatures, but our Congress. The principal business that occupies the minds and the time of the statesmen of their several tribes is, what measures shall be taken to secure justice from the United States Government ?

I have before me an official document entitled, " Claim of the Chickasaw Nation," being a letter from the Secretary of the Interior, containing an " estimate of appropriation required to pay the Chickasaw Nation the balance remaining due and unpaid on certain bonds held IN TRUST for said Indians by the Secretary of the Interior." The Acting Secretary of the Interior, Hon. B. R. Cowen, and the Commissioner of Indian Affairs, both endorse the validity and justice of the claim, and request favorable action of Congress on the subject. There is no more question about the justice of the claim than there is about the obligation of the United States Government to pay its interest on its five-twenty bonds—aye, refusing to pay the interest in the latter case would not be so great an act of injustice. The United States Government persuaded the Chickasaw Indians to let it (our Government) act as trustee for the monies belonging to the Chickasaw Nation ; but our honorable Congressmen struck from the Appropriation Bill the \$297,890.25 due the Chickasaw Indians, and another year is added to the many long years of patient waiting of the poor Chickasaws.

With what feelings of mockery must the Indian of to-day read the treaties between the United States and the Chickasaws of 1832 and 1834, where our Government is spoken of as their "Great Father," and in which it is stated that "the Chickasaws have ever been faithful and friendly to the people of this country; that they have never raised the tomahawk to shed the blood of an American; and have given up heretofore to their white brothers extensive and valuable portions of their country at a price wholly inconsiderable and inadequate, and from which the United States have derived great wealth and important advantages."

At the meeting of the Choctaw council in October, the question uppermost in the minds of all will be, "What can we do to persuade" (they well know the poor, weak red man cannot *force*) "the United States Government to do us justice, and pay us the monies the United States received as Trustee, for the Choctaws over a quarter of a century ago.

This case is as glaring an act of injustice and wrong as is the case cited in reference to the Chickasaws. It may be briefly stated:

In 1830, what is known as "The Dancing Rabbit Creek Treaty" was made between the United States Government and the Choctaw Indians; the Choctaws being compelled by threats and persuaded by fair promises to give up their lands east of the Mississippi and move to the Indian Territory. Among the provisions of the Treaty was one by which the United States assumed trusteeship of the lands of the Choctaws in Mississippi, agreeing to sell the same, and after deducting expenses of the sale, to pay over the net proceeds of such lands to the Choctaw Nation.

Acting as such Trustee the United States had the lands sold. The amount received and properly due the Choctaws was about \$3,600,000. Over thirty years has the government held these funds. Year after year delegations from the Choctaws have visited Washington and besought their "Great Father" to pay them this money. Year after year have they stood at the doors of Congress begging that the money might be appropriated to pay their just dues. Of the twenty thousand Choctaws who were compelled by the Government or its thieving land agents, to remove from their pleasant homes in Mississippi to the far distant lands of the State of Arkansas, scarcely one-twentieth are living, and all the long years their faces were turned toward Washington with longing expectation that their prayers might be heard, and their money paid to them, that they might build new homes and schools and churches. But their hopes and expectations were vain; and they have gone from their earthly homes—gone beyond the reach of our cruelties, beyond the baneful influence of the White Man's "fire water;" aye, gone where even our repentance and sorrow for our crimes against them will not avail.

Their descendants finally succeeded in having the question of the justice of their claims referred to the Senate of the United States, and on the 15th of February, 1859, the Committee on Indian Affairs of the Senate made their report. I will quote only one paragraph :

“ Their (the Choctaw) claims are to receive not only a just and fair but a liberal consideration. This is eminently due to the many sacrifices of the Choctaws both in war and peace; to their faithful services, never withheld and always cheerfully rendered in arms, and to their exemplary and uniform good conduct and peaceful demeanor, since the earliest settlement of the white race in the fertile and valuable country formerly occupied ‘ by them.’ ”

After an exhaustive examination of the subject, they passed a resolution, March 9, 1859, directing the Secretary of the Interior to make up the account, which was done May 8, 1860. After deducting every item at all in doubt, and charging the Choctaws all possible expenditures, he reported the amount due the Choctaws, \$2,851,247.30.

This was the NET PROCEEDS of sales of over ten million acres of land. The aggregate amount received by the United States was \$7,550,000. In other words, the trustee charged or permitted its agents to retain over four million of dollars out of sales of these Indian lands. But even this amount could not be collected by the Choctaws. The Senate on various pretexts reduced the amount named by the Secretary of the Interior to \$2,332,560.85, and declared in their final award that they had charged the Choctaws every item they could find, under the strictest rules of construction.

The Choctaws were compelled to submit to the award, and now looked gladly forward to the day when even this small sum should be paid them. But again they were doomed to disappointment at the hands of their white brother—their *Christian, civilized brother!* Only \$250,000 was paid them in 1861, and since that time, under various excuses, the Government has postponed the final payment. Every winter there can be seen about the Halls of Congress, a tall venerable looking man with long white hair hanging over his shoulders—a man of near seventy winters, who has spent his life for his tribe. He is an old chief of the Choctaw nation, and is giving what is left of his time—and talent and all in endeavoring to secure from our Government *justice* for his people.

The question, “ What ought we to do ? ” assumes a terrible significance in the light of such facts as these.

Nearly every tribe has some similar claim. Among the Creeks is a “ Creek Orphan Fund claim ; ” among the Cherokees—it is a “ claim for land sold to the Government ; ” and I might go on and mention over a score of valid, just claims, which the poor Indian

cannot get. And when his patience is at last worn out, he finds it utterly impossible to secure justice, and he frequently consents to a loss of half the claim to secure the service of some white man, or some member of Congress, in his behalf.

To care for these claims in behalf of the Indians is not the duty of that noble band of Indian commissioners, of which Felix R. Brunot, William E. Dodge, George H. Stewart, William Welsh, and others are members. Their duty lies in the direction more particularly of seeing after the present supplies for the Indians. There is really no one department that assumes the duty and responsibility of pressing their claims upon Congress.

"What ought we to do?" "What ought *I* to do?" is the question that comes home to every American that loves to see his Government do justice.

When the great Seneca orator, Red Jacket, replied to the missionary who requested permission to preach to the Seneca Indians, he said, "Brother, we are told you have been preaching to the white people in this place. We will wait a little and see what effect your preaching has had upon them. If we find it makes them honest and less disposed to cheat Indians, we will consider again of what you have said."

ALIKCHI.

MEMORIAL

OF THE

CHICKASAW NATION.

To His Excellency :

THE PRESIDENT OF THE UNITED STATES.

The memorial of the Chickasaw Nation through its Legislature at Tishomingo assembled, respectfully represents : That

The sum of Two hundred and Ninety Seven Thousand Eight hundred and Ninety Dollars and twenty five cents (\$297,890 $\frac{25}{100}$) is due to said Nation for arrearages of interest on moneys invested for them in bonds of the States of Arkansas and Tennessee.

Your memorialists further represent that the fact that such interest remains due and unpaid, is shown by the records of the Indian Department, and has never been denied or disputed.

Your memorialists therefore humbly pray that your Excellency will take such steps as may be necessary to secure the payment of said arrearages and will cause them to be remitted or sent to the Chickasaw Country by the Officers or Agents of the United States, and paid over to the Treasurer of the Chickasaw Nation.

Approved Sept. 19th, 1873,

CYRUS HARRIS, Governor.

I hereby certify that the foregoing is a true authenticated copy from the original now on file in this office, this Dec. 17th, 1873.

W. H. BOURLAND,

National Secretary, C. N.

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LETTER OF CYRUS HARRIS,

GOVERNOR CHICKASAW NATION.

TISHOMINGO CHICKASAW NATION.

November 24, 1873.

MR. J. E. CONDUCT :

MR. DEAR FRIEND.

Your kind and friendly letter of the 14th inst., has just been received ; and in reply I must acknowledge that finding once in a while a friend who seeks justice for a weak and helpless people, is encouraging.

It is true that the Chickasaws have funds in the hands of the United States Government ; but it seems that nothing short of enormous attorney fees can secure us justice from those who claim to be guardians to a weak and dependent people. We have concluded this season to leave Chickasaw matters with General Grant, who, we believe, will give justice. Two memorials, one from the Legislature, and one from the people have been forwarded to him.

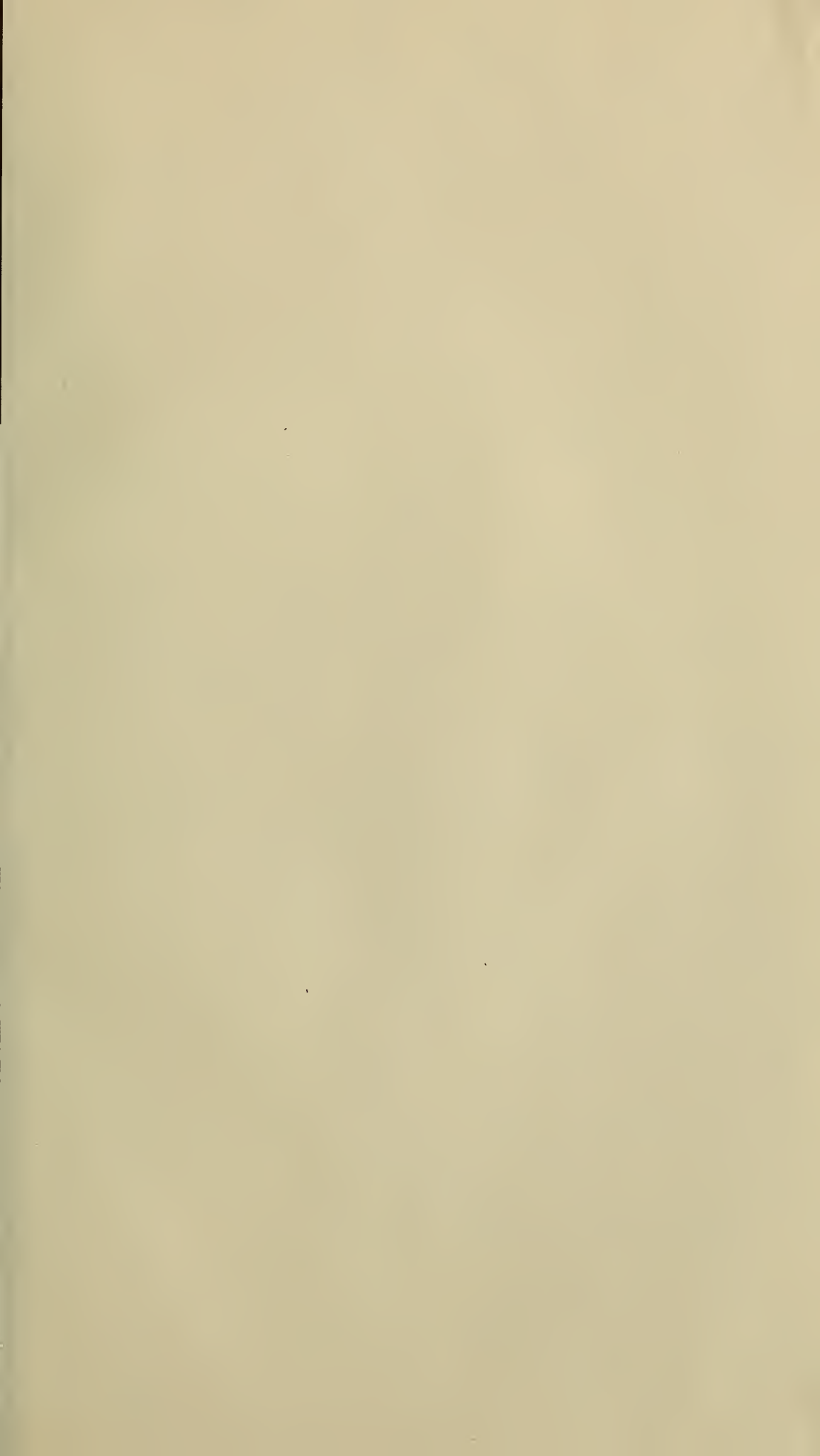
The claim that we contend for, is ours, and justly due us, and we need it, and should have it. The scarcity of money and the failure of crops this season, falls heavy upon the Chickasaws, and a great many of them must suffer unless we succeed in getting our claims through the coming Congress. I notice an article in the New York Observer in relation to Indian affairs, which should prove to all honest men, that the Indians are entitled to a gratitude more than they have ever received from the Government.

If we can get our lands divided in severalty and give the Freedmen forty acres of land each as provided in the Treaty of 1866, and get our monies all safe, we will then be happy, and not till then.

As ever, your friend,

And obedient servant,

CYRUS HARRIS.







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